

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

| | | |
|---|---|--------------------------------------|
| IN THE MATTER OF: |) | Case No. 2743 |
| |) | |
| DAVID WILLIAM NYMAN, D.O. |) | FINDINGS OF FACT, CONCLUSIONS |
| Holder of License No. 3510 for the |) | OF LAW AND SUMMARY SUSPENSION |
| practice of osteopathic medicine in the |) | OF LICENSE |
| State of Arizona. |) | |
| _____ |) | |

The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") held a public meeting on March 4, 2000, regarding David William Nyman, D.O. (hereinafter "Respondent"). Following the Board's review of information and evidence obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, and having considered the evidence and information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law and Order of Summary Suspension, pending proceedings for revocation or other action.

FINDINGS OF FACT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. To regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 3510 for the practice of osteopathic medicine in the State of Arizona.
3. The Board reviewed Respondent's application for license during a public Board Meeting concerning the Respondent's medical history and prior addiction to a controlled substance and all other relevant issues concerning his qualifications to obtain a Board license. On December 18, 1999, during its public meeting, the Board authorized preparation of an order granting Respondent a license to practice as an osteopathic physician in the State of Arizona; but, said license

was placed on probation and subject to specific requirements including, but not limited to, mandatory participation in random urine drug screens, attendance at required Board Impaired Physician committee meetings, and complete abstinence from alcohol and non-prescribed medications or illicit drugs.

3. Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

4. On or about February 8, 2000 and February 18, 2000, Respondent failed to appear and a required urine drug screen.

5. On or about February 23, 2000, Respondent failed to appear at a required Impaired Physician Committee Meeting

6. On or about February 11, 2000 and March 1, 2000, Respondent tested positive for benzodiazepines on his urine drug screen.

7. In public session, the Board voted on March 4, 2000 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

ORDER

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

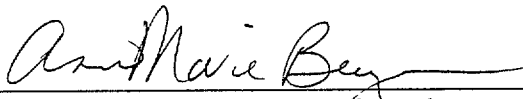
1. Pursuant to A.R.S. § 32-1855(C) and § 41-1064, **SUMMARILY SUSPENDING LICENSE NO. 3510 HELD BY DAVID WILLIAM NYMAN, D.O.** for the practice of osteopathic medicine in this State of Arizona effective March 4, 2000 pending further disciplinary proceedings or until further Order of the Board.

2. Pursuant to A.R.S. § 32-1855(C), that DAVID WILLIAM NYMAN, D.O. shall submit himself for such mental, physical or oral or written medical competency examinations or any combination thereof as will be designated by the Board. Such examinations shall be conducted by persons specified by the Board.

3. Pursuant to A.R.S. § 32-1855(C), this matter shall be heard by a Hearing Officer or the full Board within sixty (60) days.

ENTERED this 4th day of March, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Ann Marie Berger, Executive Director

Served by personal service or
Certified Mail this 7 day
of March, 1998 to:

David W. Nyman, D.O.
11311 N. Seven Fall
Tucson, AZ
And
4039 Northstar Drive
Lake Havasu City AZ 86406

A copy of the Summary Suspension
Order was mailed this 7 day of
March, 2000 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007

Tom Dennis
Assistant Attorney General
Solicitor General's Office
1275 W. Washington
Phoenix AZ 85007

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015

Drug Enforcement Administration
Attention: Diversion Section
3010 N. 2nd St
Phoenix AZ 85012

Anita Boyd